SINGLE BENCH

P.R. No. 4016/06
Presented by Sri A.V. Bhakta
dated 27/12/06

1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION NO. 4166 /2006

PETITIONER

Rajkumar Rajak, aged about 39 years son of Shri Ganesh Ram Rajak, occupation – service, Chowkidar, (Under Daily Wages) Public Works Department, Rest House – Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – Secretary, Department of Public Works, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. Engineer-in-Chief, Public Works Department, Raipur (C.G.)

3. Superintending Engineer, Public Works Department, Bilaspur Division, Distt. Bilaspur (C.G.)

4. Executive Engineer, Public Works Department, Division No.1, Bilaspur, Distt. Bilaspur (C.G.)

5. Sub Divisional Officer, Public Works Department, Sub Division Bilaspur, Distt. Bilaspur (C.G.)

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27/12/06
CLERK to A. G. BILASPUR

S.R. Kaushik
28/12/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP/4166/... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11-8-2006

Mr. A.N. Bhakta, counsel for the petitioner.

Mr. Sumesh Bajaj, Govt. Advocate for the State/respondents, on advance copy.

Heard both the counsel.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has prayed for a direction to the respondents for regularizing his services after taking into consideration his seniority.

The petitioner's case is that he was employed on daily wage basis as a a Chowkidar in the category of Class-IV employee prior to 31-12-1988 and till then without any interruption, the petitioner is regularly working on the said post. The erstwhile State of Madhya Pradesh took a decision that the daily wage employees who are working on or before 31st December, 1988 shall be considered for regularisation and respondent No.3 vide order dated 28-4-2004 asked for details and particulars of the employees/workers who are working on daily wage basis for the purpose of their regularisation and in pursuance of that, a list Annexure P-2 dated 28-7-2004 was submitted in which the petitioner's name has been shown at serial No.17. In spite of the representations, the case of the petitioner for regularisation is not being decided even though the persons junior to him have been regularized.

Therefore, learned counsel for the petitioner submits that in order to bring this anomaly to the notice of respondent No.3, the petitioner may be allowed to make a detailed representation to respondent No.3 and respondent

P.T.O.

XI-HC-78

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No.3 be directed to decide the same, to which learned counsel appearing for the State/respondents has no objection.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and without expressing any opinion on merit of the case, the request made by learned counsel for the petitioner is just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation raising all his grievances annexing a copy of the writ petition and its annexures to respondent No.3 within ten days from today and respondent No.3 is directed to decide the representation within one month from the date of its receipt after considering the points raised by the petitioner, in an objective manner, on its own merits, in accordance with law.

With the directions aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Soma

18.8.06

P.T.O.